

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WHIRLPOOL CORPORATION,

Plaintiff,

v.

PRINCE RANDEV d/b/a ROYAL
PURE FILTERS and USA WATER
FILTERS,

Defendant.

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Civil Action No. 2:15-cv-2069

COMPLAINT FOR PATENT INFRINGEMENT

COMES NOW Plaintiff Whirlpool Corporation (“Whirlpool”), and for its Complaint for Patent Infringement of United States Patent No. 7,000,894 against Defendant Prince Randev d/b/a Royal Pure Filters and USA Water Filters and states as follows:

PARTIES

1. Plaintiff Whirlpool is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 2000 North M-63, Benton Harbor, Michigan.

2. Defendant Prince Randev d/b/a Royal Pure Filters and USA Water Filters (hereinafter “Randev”) is, on information and belief, a citizen of Canada, residing in Vancouver, British Columbia, and maintains a mailing address of 1582 Gulf Road, Unit 1853, Point Roberts, Washington for conducting business in the United States.

JURISDICTION & VENUE

3. The action arises under the patent laws of the United States, Title 35 United States Code. The jurisdiction of this Court is proper under Title 35 U.S.C. § 271, *et seq.* and Title 28 U.S.C. §§ 1331, 1332, and 1338.

4. Randev is a seller of water filters for refrigerators.

5. Randev has offered for sale and sold in the United States a Whirlpool-compatible replacement water filter that infringes United States Patent No. 7,000,894, such as a water filter bearing Model No. HWF 4396841, which is a Whirlpool “Filter 3” design. Randev has offered for sale and sold such infringing products through on-line retail outlets such as Amazon.

6. Randev has offered for sale and sold Whirlpool-compatible water filters that infringe U.S. Patent No. 7,000,894, such as Model No. HWF 4396841 filters, to residents and citizens of Texas who reside within this district.

7. The Court has personal jurisdiction over Randev because he has advertised in Texas, including the Eastern District of Texas, the sale of infringing filters via the internet, and Randev has offered for sale and sold the infringing products to customers in the state of Texas, including the Eastern District of Texas, thereby harming Whirlpool by offering to sell and/or selling infringing products in this district.

8. Venue is proper in this district pursuant to Title 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because Randev has committed acts of infringement in this judicial district and, upon information and belief, he is not resident in the United States.

COUNT I
Infringement of U.S. Patent No. 7,000,894

9. Whirlpool restates and incorporates by reference paragraphs 1 through 8 as if fully stated herein.

10. On February 21, 2006, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 7,000,894 (“the ‘894 patent”) entitled “Fluidic Cartridges and End Pieces Thereof.” On March 3, 2014, the USPTO issued an ex parte reexamination certificate for the ‘894 patent. Appended as Exhibit A is a true and correct copy of the ‘894 patent, inclusive of the ex parte reexamination certificate.

11. Whirlpool is the owner by assignment of the entire right, title and interest in and to the ‘894 patent, including the right to sue and recover past, present, and future damages for infringement.

12. Whirlpool manufactures products that practice the ‘894 patent, including Whirlpool “Filter 3” refrigerator water filters, and marks such products with the ‘894 patent.

13. Randev has been infringing the ‘894 patent by importing, offering for sale and selling water filters covered by at least claims 1 and 4 of the ‘894 patent.

14. Whirlpool has obtained a water filter identified as Model No. HWF 4396841 from Randev (hereinafter the “Infringing Filter”). Photographs that are fair and accurate representations of the Infringing Filter are appended as Exhibit B. The Infringing Filter infringes at least claims 1 and 4 of the ‘894 patent pursuant to Title 35, U.S.C. § 271(a), *et seq.*

15. Randev’s importation, offers for sale, and sales of the Infringing Filter were without permission, authority, or license from Whirlpool. Further acts of infringement, unless enjoined by this Court, will continue to damage Whirlpool and cause irreparable harm to Whirlpool.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Whirlpool respectfully requests the following relief:

- a. That the Court enter a judgment that Randev has infringed the '894 patent;
- b. That the Court enter a judgment that the '894 patent is not invalid;
- c. That the Court enter a judgment that the '894 patent is enforceable;
- d. That the Court enter a permanent injunction preventing Randev and his respective officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from engaging in infringing activities with respect to the '894 patent;
- e. That the Court award damages for the infringement to which Whirlpool is entitled;
- f. That the Court award interest on the damages; and
- g. For any and all such other relief as this Court may deem appropriate.

Dated: December 14, 2015

Respectfully submitted,

By: /s/ Melissa R. Smith

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WHIRLPOOL CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service, on December 14, 2015.

/s/ Melissa Smith

Melissa Smith